

### **REMARKS**

A final Office Action was mailed on April 16, 2009, rejecting pending claims 3, 5, and 8. On June 15, 2009, Applicants timely filed an Amendment in Response to final Office Action, amending claim 7. An Advisory Action was mailed on July 15, 2009, indicating that the amendments to claim 7 had not entered because claim 5 was not in condition for allowance. Applicants timely file this Preliminary Amendment together with a Request for Continued Examination (RCE) and Petition for a three-month extension of time.

Reconsideration of the application is respectfully requested.

#### **I. Status of the Claims**

Claims 3, 5, 7 and 8 are presently pending, with claims 1, 2, 4, 6 and 9 having previously been canceled without prejudice or disclaimer. Applicants cancel claims 3, 5 and 8 without prejudice or disclaimer, and amend claim 7. No new matter is introduced.

#### **II. Allowable Subject Matter**

Applicants thank the Examiner for indicating that claim 7 is objected to as being dependent on rejected base claim 5, but would be allowable if rewritten in independent form to include all of the limitations of rejected base claim 5. Applicants amend claim 7 accordingly, noting that independent claim 7 as amended is directed to a vacuum degassing apparatus as may be used in an analytical instrument for removing dissolved gas from liquid (see, e.g., page 1, line 15 through page 2, line 15 of Applicants' specification), the apparatus comprising: a) a vacuum vessel

including a gas permeation diaphragm, b) an exhaust vacuum pump, and c) a vacuum control system.

The vacuum control system includes a controller for monitoring the inside pressure of the vacuum vessel and for controlling the displacement of the exhaust vacuum pump, and an air introduction device inserted in a vacuum exhaust path connecting the vacuum vessel to the exhaust vacuum pump for continuously introducing a controlled amount of air externally supplied into the vacuum exhaust path. The controller is operated to hold the degree of vacuum in the vacuum vessel constant. Circulation resistance of the externally-supplied air can be adjusted by varying an insertion length of the resistance adjusting rod inserted into the hollow capillary, and can be fixed by fitting a separation preventing short tube to an outer circumference of the hollow capillary at an opening end.

Applicants therefore respectfully request that the objection to claim 7 be withdrawn.

### **III. Claim Rejections under 35 U.S.C. § 102**

Claims 3 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 5,901,750 to Kozinski. In the interests of prosecution efficiency, Applicants cancel claims 3 and 8 without prejudice or disclaimer, reserving all right to reintroduce claims 3 and 8 in a continuation application filed at a later date. Applicants respectfully submit therefore that the rejections of claims 3 and 8 now stand moot.

**IV. Claim Rejection under 35 U.S.C. § 103**

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 1003/0024489 to Balan et al. in view of Japanese Patent Publication No. 2000-102702 to Kozo et al. In the interests of prosecution efficiency, Applicants cancel claim 5 without prejudice or disclaimer, reserving all right to reintroduce claim 5 in a continuation application filed at a later date. Applicants respectfully submit therefore that the rejection of claim 5 now stands moot.

**CONCLUSION**

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. If there are any remaining issues which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: October 14, 2009

Respectfully submitted,

By 

Thomas J. Bean

Registration No.: 44,528

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant